

02-20-01

CPA/161587

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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL**

FEB 22 2001

Submit an original, and a duplicate for fee processing

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

☒ DUPLICATE

TECH CENTER 1600/2900

Address to:

Commissioner for Patents
Box CPA
Washington, D.C. 20231

Atty. Docket No.: ABB1130P0800US (6439.US.01)

First Named Inventor: J. Lipari et al.

Examiner: G. Kishore

Group Art Unit: 1615

Express Mail Label No.: EL733166917US

This is a request for a ☒ continuation or a ☐ divisional application under 37 CFR 1.53 (d), (continued prosecution application (CPA) of prior application number 09/216,242, filed on 12/18/98, and entitled Novel Formulations Comprising Lipid-Regulating Agents.

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 C.F.R. §1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. §371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000), Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1223 Off. Gaz. Pat. Office (April 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. §122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. §120 and to every application assigned the application number identified in such request. 37 C.F.R. §1.78(a).

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application..
2. ☒ A preliminary amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

02/21/2001 SSITHIB1 00000107 09216242

01 FC:131

710.00 CP

4. ☐ A new power or attorney or authorization of agent (PTO/SB/81) is enclosed.

5. ☒ Information Disclosure Statement (IDS) is enclosed:

☒ PTO-1449

☒ Copies of IDS Citations

CLAIMS	NUMBER FILED	NUMBER ALLOWED	NUMBER EXTRA	RATE	CALCULATIONS	
Total Claims	16	- 20* =	0	x \$18.00 =	\$	
Independent Claims	1	- 3** =	0	x \$80.00 =	\$	
Multiple Dependent Claims (if applicable) (37 CFR 1.16(d))				+ \$270.00 =	\$	
				Basic Fee	\$710.00	
			Total of above Calculations =		\$	
					Reduction by 50% for filing by small entity (Note 37 CFR 1.9, 1.27, 1.28)	\$
* Claims in excess of 20 and over original patent.					TOTAL =	\$710.00
** Independent claims over original patent.						

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 04-1644.

		Large Entity	Small Entity
a.	<input type="checkbox"/> Extension for reply within first month	<input type="checkbox"/> \$ 110.00	<input type="checkbox"/> \$ 55.00
b.	<input type="checkbox"/> Extension for reply within second month	<input type="checkbox"/> \$ 390.00	<input type="checkbox"/> \$195.00
c.	<input type="checkbox"/> Extension for reply within third month	<input type="checkbox"/> \$ 890.00	<input type="checkbox"/> \$445.00
d.	<input type="checkbox"/> Extension for reply within fourth month	<input type="checkbox"/> \$1,390.00	<input type="checkbox"/> \$695.00
e.	<input type="checkbox"/> Additional filing fees or deficiencies in remittances therefor.		
f.	<input checked="" type="checkbox"/> Additional processing fees or deficiencies in remittances therefor.		
g.	<input type="checkbox"/> <u>ONLY if applicant has partially paid</u> the patent issue fee under 37 C.F.R. §1.18, then the <u>deficiency</u> shall be charged to the Deposit Account.		

8. ☒ A check in the amount of \$710.00 is enclosed.

9. ☐ New Attorney Docket Number, if desired _____
(Prior application Attorney Docket Number will carry over to this CPA **unless** a new number has been provided herein.)

10. a. ☐ Receipt For Facsimile Transmitted CPA (PTO O/SB/29A).

b. ☒ Return Receipt Postcard (Should be specifically itemized, see MPEP 503).

11. ☒ Other: 2 Terminal Disclaimers and check for \$220.00; Request for One-Month Extension and check for \$110.00; Formal Drawings Transmittal and 2 Pages of Formal Drawings

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

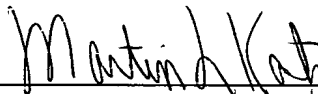
12. ☐ New correspondence address below:

Name: _____
Address: _____
City: _____ State: _____ Zip Code: _____
Country: _____ Telephone: _____ Fax: _____

13. Signature of Applicant, Attorney, or Agent Required

Date: 02-16-01

By



Martin L. Katz, Reg. No. 25,011

Correspondence Address:

ROCKEY, MILNAMOW & KATZ, LTD.

Two Prudential Plaza

180 North Stetson, Suite 4700

Chicago, Illinois 60601

Telephone: (312) 616-5400

Facsimile: (312) 616-5460

CERTIFICATE OF MAILING BY EXPRESS MAIL

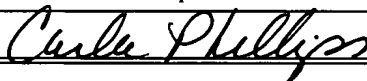
I hereby certify that this Continued Prosecution Application (CPA) Request Transmittal, enclosed application, and any other documents referred to as enclosed herein, is being deposited with the United States Postal Service, "Express Mail Post Office to Addressee" service under 37 CFR §1.10 on the date indicated below and addressed to Box CPA, Commissioner for Patents, Washington, D.C. 20231.

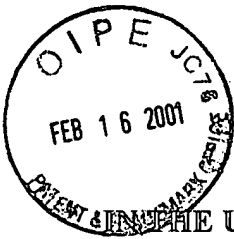
Express Mail Label No.: EL733166917US

Date of Deposit: 02-16-01

Typed/Printed Name of Person Signing: Carla Phillips

Signature:





15/Re A

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. Lipari *et al.*

) Attorney Docket No.: 6439.US.01

) ABB1130P0800US

Serial Number: 09/216,242

)

) Group Art Unit: 1615

Filing Date: December 18, 1998

)

) Examiner: G. Kishore

Re: Novel Formulations Comprising
Lipid-Regulating Agents

)

)

Be
3-16-01

Commissioner for Patents
Washington, D.C., 20231

PRELIMINARY AMENDMENT

Dear Sir:

In connection with the filing of a Continued Prosecution Application of the above-identified U.S. Patent Application, please enter the following Preliminary Amendment, submitted in response to the Office Action dated October 16, 2000. Two Terminal Disclaimers and two checks for \$110.00 each for the Disclaimer fee, a Supplemental Information Disclosure Statement, 2 Figures of Formal Drawings, a Petition for a One-Month Extension of Time and a check for \$110.00 for the Extension fee accompany this Preliminary Amendment.

IN THE SPECIFICATION

Page 2, line 33, please delete "prevastatin" and insert --pravastatin--.

Page 4, line 2, please delete "d-aalpa" and insert --d-alpha--.

U.S.S.N. 09/216,242